

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: **Frank A Ferrar**

Case No.: **15-33258**

Judge: **RG**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

Date: **October 20, 2017**

☒ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

**Part 1: Payment and Length of Plan**

a. The debtor shall pay a total of \$5,155.00 to the Chapter 13 Trustee from January 2016 through October 2017 (22 months); the debtor shall pay \$817.00 monthly to the Chapter 13 Trustee starting November 2017 for approximately 38 months. The total length of plan is approximately 60 months. .

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:  
Description:  
Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scott E. Tanne	Attorney Fees	7,223.47 (3,200.34 remaining)
Scott E. Tanne	Attorney Fees	estimated at 700.00, subject to court approval
Internal Revenue Service	Taxes and certain other debts	0.00
State of New Jersey Division of Taxation	Taxes and certain other debts	0.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Nationstar Mortgage, LLC	202 Softwood Drive Duncanville, TX 75137	23,284.13 (includes pre- and post-petition arrearages, plus counsel fees, per Order)		23,284.13	to be paid pursuant to note and mortgage

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrearages:** ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
-NONE-				

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
<b>-NONE-</b>							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☐ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. **The Debtor surrenders the following collateral in full satisfaction of creditors' claims:**

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
<b>Caliber Home Loans</b>	<b>10 Northwood Ave, Apt. 509 Linden, NJ 07036</b>	<b>87,000.00</b>	<b>0.00 - collateral surrendered in full satisfaction of creditor's claim</b>
<b>Nationstar Mortgage</b>	<b>10 Northwood Ave, Apt 300 Linden, NJ 07036</b>	<b>87,000.00</b>	<b>0.00 - collateral surrendered in full satisfaction of creditor's claim</b>
<b>Linden Towers Condomiums</b>	<b>10 Northwood Ave Apts 300 &amp; 509 Linden, NJ 07036</b>	<b>Apt 300: 87,000.00 Apt 509: 87,000.00</b>	<b>0.00 - collateral surrendered in full satisfaction of creditor's claim</b>

**f. Secured Claims Unaffected by the Plan ☒ NONE**

The following secured claims are unaffected by the Plan:

Creditor  
**-NONE-**

**g. Secured Claims to be Paid in Full Through the Plan ☒ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
<b>-NONE-</b>		

**Part 5: Unsecured Claims ☒ NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
<b>-NONE-</b>			

**Part 6: Executory Contracts and Unexpired Leases** ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
-NONE-				

**Part 7: Motions** ☒ **NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
-NONE-						

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-					

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification ☒ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: October 20, 2017

Explain below <b>why</b> the plan is being modified:	Explain below <b>how</b> the plan is being modified:
<b>to increase plan payments as a result of additional mortgage arrearages added to Plan</b>	<b>same</b>

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☐ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures

- ☒ NONE  
☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date October 20, 2017

/s/ Scott E. Tanne  
Scott E. Tanne st2477

Date: October 20, 2017

Attorney for the Debtor  
/s/ Frank A Ferrar

Frank A Ferrar

Debtor

Date: \_\_\_\_\_

Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date October 20, 2017

/s/ Scott E. Tanne

**Scott E. Tanne st2477**

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 20, 2017

/s/ Frank A Ferrar

**Frank A Ferrar**

Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Frank A Ferrar  
 Debtor

Case No. 15-33258-RG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 37

Date Rcvd: Oct 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 29, 2017.

db +Frank A Ferrar, 202 Softwood Dr., Duncanville, TX 75137-4326  
 cr +Caliber Home Loans, Inc., RAS Citron, LLC, 130 Clinton Road, Suite 202,  
 Fairfield, NJ 07004-2927  
 cr +Linden Towers Condominium Association, Inc., 151 Highway 33 East, Suite 204,  
 Manalapan, NJ 07726, UNITED STATES 07726-8635  
 cr +Nationstar Mortgage LLC as servicer for U.S. Bank, C/O Buckley Madole, P.C.,  
 99 Wood Avenue South, Suite 803, Iselin, NJ 08830-2713  
 515899913 +Ar Resources Inc, Bankruptcy, Po Box 1056, Blue Bell, PA 19422-0287  
 515899914 +Ar Resources Inc, 1777 Sentry Pkwy W, Blue Bell, PA 19422-2206  
 516320292 +Bank of America, PO Box 5170, Semi Valley, CA 93062-5170  
 515899916 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)  
 515899915 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
 515931803 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 515899918 +Cit Fin Serv, Po Box 24610, Oklahoma City, OK 73124-0610  
 515899917 +Cit Fin Serv, Attn: Bankruptcy, Po Box 140489, Irving, TX 75014-0489  
 515899921 +Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Englishtown, NJ 07726-8635  
 515899922 +Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, NJ 07726-8635  
 515899923 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241  
 515899924 +Experian, PO BOX 9701, Allen, TX 75013-9701  
 515899925 +Frenkel, Lambert Weiss Weisman & Gordon, 80 Main Street, Suite 560,  
 West Orange, NJ 07052-5430  
 515899927 +Fst Premier, 3820 N Louise Ave, Sioux Falls, SD 57107-0145  
 515899926 +Fst Premier, Po Box 5524, Sioux Falls, SD 57117-5524  
 516010965 +Linden Towers Condominium Association, Inc., c/o Cutolo Mandel LLC,  
 151 Highway 33 East, Suite 204, Manalapan, New Jersey 07726-8635  
 515899928 Linden Towers Condomiums, 10 Wood Ave, Linden, NJ 07036  
 516703319 +NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage LLC, P.O. Box 619096, Dallas, TX 75261-9741)  
 516667276 +Nationstar Mortgage LLC, 6409 Congress Ave. Suite 100, Boca Raton, FL 33487-2853  
 516580810 +Nationstar Mortgage LLC, Robertson, Anschutz & Schneid, P.L.,  
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853  
 516126600 Nationstar Mortgage LLC, P.O Box 650783, Dallas, TX 75265-0783  
 516010953 +Sixty Acre Reserve Condominium Association, Inc., c/o Cutolo Mandel LLC,  
 151 Highway 33 East, Suite 204, Manalapan, New Jersey 07726-8635  
 516126603 +State of New Jersey Division of Taxation, P.O Box 187, Trenton, NJ 08695-0187  
 516124411 +THE BANK OF NEW YORK MELLON TRUSTEE (SEE 410), C/O Nationstar Mortgage LLC, PO Box 619096,  
 Dallas, Texas 75261-9096  
 515899930 +Trans Union, PO BOX 2000, Chester, PA 19022-2000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Oct 27 2017 23:27:03 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Oct 27 2017 23:27:00 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516063370 +E-mail/Text: ECMBKMail@Caliberhomeloans.com Oct 27 2017 23:28:09 Caliber Home Loans, Inc.,  
 P.O. Box 24330, Oklahoma City, OK 73124-0330  
 515899919 +E-mail/PDF: creditonebknofications@resurgent.com Oct 27 2017 23:28:44 Credit One Bank Na,  
 Po Box 98873, Las Vegas, NV 89193-8873  
 515899920 +E-mail/PDF: creditonebknofications@resurgent.com Oct 27 2017 23:28:43 Credit One Bank Na,  
 Po Box 98875, Las Vegas, NV 89193-8875  
 516049702 +E-mail/Text: cio.bncmail@irs.gov Oct 27 2017 23:26:34 Internal Revenue Service,  
 PO Box 7346, Philadelphia, PA 19101-7346  
 516125237 E-mail/PDF: resurgentbknofications@resurgent.com Oct 27 2017 23:29:10 LVNV Funding LLC,  
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 515899929 +E-mail/PDF: bankruptcy@ncfsi.com Oct 27 2017 23:29:05 New Century Financial,  
 110 S. Jefferson Rd # 104, Whippany, NJ 07981-1038

TOTAL: 8

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr\* +Nationstar Mortgage LLC, Robertson, Anschutz & Schneid, P.L.,  
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853  
 516126602\* +Internal Revenue Service, P.O Box 7346, Philadelphia, PA 19101-7346  
 516126601\* Nationstar Mortgage LLC, P.O Box 650783, Dallas, TX 75265-0783

TOTALS: 0, \* 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).



District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 37

Date Rcvd: Oct 27, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 29, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 25, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Nationstar Mortgage LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Francesca Ann Arcure on behalf of Creditor Nationstar Mortgage LLC as servicer for U.S. Bank  
National Association, not in its individual capacity but solely as Trustee for NRZ Pass-Through  
Trust VIII nj\_ecf\_notices@buckleymadole.com  
Hubert C. Cutolo on behalf of Creditor Linden Towers Condominium Association, Inc.  
hcutolo@cutololaw.com  
Justin Plean on behalf of Creditor Nationstar Mortgage LLC jplean@rasflaw.com,  
bkyecf@rasflaw.com; ras@ecf.courtdrive.com  
Laura M. Egerman on behalf of Creditor Nationstar Mortgage LLC bkyecf@rasflaw.com,  
bkyecf@rasflaw.com; legerman@rasnj.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Patrick O. Lacsina on behalf of Creditor Caliber Home Loans, Inc. bmusarra@rasnj.com,  
bkyecf@rasflaw.com, legerman@rasnj.com  
Scott E. Tanne on behalf of Debtor Frank A Ferrar info@tannelaw.com, clerk@tannelaw.com  
TOTAL: 8